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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,113	01/14/2002	Thomas D. Myers JR.	3134.00003	8101

7590

06/04/2004

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EXAMINER

ARSHAD, UMAR

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/967,113	MYERS, THOMAS D.	
	Examiner	Art Unit	
	Umar Arshad	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

Applicant claims benefit of a provisional application that was filed more than 12 months prior to the non-provisional application filing date.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 6, 7, 10 – 17, 19, 20, and 23 - 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Mastronardi, U.S. Patent No. 6,346,951.

As per claim 1, Mastronardi teaches an interactive graphic user interface for use with a digital jukebox computer system comprising digitally encoded music in a digitally encoded file format, wherein said graphic user interface allows a user to view and manipulate the encoded CDs and select songs from said encoded compact discs to be played or supplied (see Mastronardi, figure 8 and column 2, lines 1 – 16).

As per claim 2, which is dependent on claim 1, Mastronardi teaches the interface of claim 1 (see rejection above). Mastronardi further teaches the interactive graphic user interface according to claim 1, wherein said encoded file format is selected from the group consisting essentially of Motion Picture Experts Group Level 1 Audio Level-3 (MP3) and other formats which can be digitally encoded (see Mastronardi, column 1, lines 39 – 41, column 3, lines 55 – 56, and column 5, lines 26 – 30).

As per claim 3, which is dependent on claim 1, Mastronardi teaches the interface of claim 1 (see rejection above). Mastronardi further teaches the interactive graphic user interface according to claim 1, wherein said interface enables non-sequential browsing of the plurality of digitally encoded CDs (see Mastronardi, column 7, lines 3 – 22).

As per claim 4, which is dependent on claim 1, Mastronardi teaches the interface of claim 1 (see rejection above). Mastronardi further teaches the interactive graphic

user interface according to claim 1, wherein said interface includes touch screen means for utilizing said interface (see Mastronardi, column 4, lines 12 – 20).

As per claim 6, which is dependent on claim 1, Mastronardi teaches the interface of claim 1 (see rejection above). Mastronardi further teaches the interactive graphic user interface according to claim 1, wherein said interface further comprises searching means for searching said compact discs (see Mastronardi, column 2, lines 53 – 59).

As per claim 7, which is dependent on claim 6, Mastronardi teaches the interface of claim 6 (see rejection above). Mastronardi further teaches the interactive graphic user interface according to claim 6, wherein said searching means searches one from the group consisting essentially of song title, author, artist, and CD title (see Mastronardi, column 6, lines 56 – 60).

As per claim 10, which is dependent on claim 1, Mastronardi teaches the interface of claim 1 (see rejection above). Mastronardi further teaches the interactive graphic user interface according to claim 1, wherein said interface further comprises a money acceptor (see Mastronardi, column 4, lines 34 – 38).

As per claim 11, which is dependent on claim 10, Mastronardi teaches the interface of claim 10 (see rejection above). Mastronardi further teaches the interactive graphic user interface according to claim 10, wherein said money acceptor accepts at

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least one from the group consisting essentially of money, tokens, credit cards, and passcards(see Mastronardi, column 4, lines 34 – 38).

As per claim 12, which is dependent on claim 1, Mastronardi teaches the interface of claim 1 (see rejection above). Mastronardi further teaches the interactive graphic user interface according to claim 1, wherein said interface further comprises analysis means for analyzing data accumulated regarding said compact discs ( see Mastronardi, column 9, lines 3 – 20).

As per claim 13, which is dependent on claim 12, Mastronardi teaches the interface of claim 12 (see rejection above). Mastronardi further teaches the graphic user interface according to claim 12, wherein said analysis means analyzes data selected from the group consisting essentially of number of plays, money accepted, and frequency of plays.

As per claims 14 - 17, 19, 20, and 23 – 26, they are similar in scope to claims 1 – 4, 6, 7, and 10 – 13 respectively and are rejected under the same rationale (see rejections above).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastronardi, U.S. Patent No. 6,346,951 in view of Dulaney et al., U.S. Patent No. 5,031,119.

As per claim 5, which is dependent on claim 1, Mastronardi teaches the interface of claim 1 (see rejection above). Mastronardi does not teach the interactive graphic user interface according to claim 1, wherein a touch screen means includes a touch screen keyboard. Dulaney teaches touch screen means includes a touch screen keyboard (see Dulaney, column 1, lines 53 – 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Dulaney with Mastronardi in order to save physical space such as on a small portable device.

As per claim 18, it is of similar scope to claim 5 and is rejected under the same rationale (see rejection above).



Claims 8, 9, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastronardi, U.S. Patent No. 6,346,951 in view of Miller et al., U.S. Patent No. 5,550,968.

As per claim 8, which is dependent on claim 1, Mastronardi teaches the interface of claim 1 (see rejection above). Mastronardi does not teach the interactive graphic user interface according to claim 1, wherein said interface includes access means for limiting access to the interface. Miller teaches wherein an interface includes access means for limiting access to the interface (see Miller, column 2, lines 9 – 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Miller with the method of Mastronardi in order to provide access security to restricted information.

As per claim 9, which is dependent on claim 8, Mastronardi and Miller teach the interface of claim 8 (see rejection above). Mastronardi does not teach the interactive graphic user interface according to claim 8, wherein said access means is a password. Miller teaches wherein said access means is a password (see Miller, column 2, lines 49 – 59). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Miller with the method of Mastronardi in order to provide a secure method of identifying users.

As per claims 21 and 22, they are similar in scope to claims 8 and 9 respectively and are rejected under the same rationale (see rejections above).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl et al., U.S. Patent No. 6,118,450 in view of Imamichi, U.S. Patent No. 4,511,794.

As per claim 27, Proehl teaches an interactive graphic user interface for use with a computer system, comprising:

determining means for determining the identity of at least one of a plurality of encoded audio compact discs stored on the computer system;

accumulating means for accumulating statistical information regarding at least the identity, age, and playback frequency of at least one of the plurality of encoded CDs (see Proehl, column 2, lines 46 – 63);

rendering means for rendering an audio stream suitable for connection to an external amplifier or supplying the name of a file which contains a digitally encoded song and automatically triggering the playing of the song by another player stored on said computer system (see Proehl, column 7, line 59 – column 8, line 12);

wherein said graphic user interface allows a user to view and manipulate the encoded CDs and select songs from said encoded CDs to be played or supplied to said player (see Proehl, column 3, lines 9 – 15).

Proehl does not teach communicating means for communicating with a bill acceptor regarding at least the denomination of any valid currency accepted, detection of a jammed bill, the detection of a full currency stacker, detection of a general failure, and detection of a rejected bill of the bill acceptor.

Imamichi teaches a bill acceptor that detects at least the denomination of any valid currency accepted, detection of a jammed bill, the detection of a full currency stacker, detection of a general failure, and detection of a rejected bill of the bill acceptor (see Imamichi, column 4, lines 11 – 17, column 5, lines 64 – 67, and column 11, lines 31 – 39). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Imamichi with the method of Proehl in order to provide an improved method of receiving revenue.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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